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DOCKET NO.: M0925.70067US00

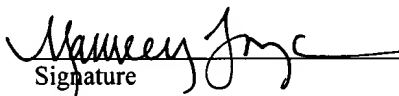
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vanessa Z. H. Chan et al.
Serial No.: 09/720,710
Confirmation No.: 5662
Filed: June 1, 2001
For: PERIODIC POROUS AND RELIEF NANOSTRUCTURED ARTICLES

Examiner: Victor S. Chang
Art Unit: 1771

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 5 day of November, 2004.


Signature

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Response to Election/Restriction Requirement
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825.

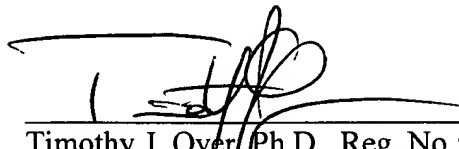
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A duplicate of this sheet is enclosed.

Respectfully submitted,

By:



Timothy J. Oyer, Ph.D., Reg. No.: 36,628
Tani Chen, Sc.D., Reg. No.: 52,728
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: M0925.70067US00
Date: November 5, 2004
x11/06/04x

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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Sir:

This is in response to the Election/Restriction Requirement dated October 6, 2004. In this Action, it appears that Species Group III defines Species H-O, and was inadvertently referred to as Species Group IV in the heading at page 4. This Response assumes that only Species Groups I-III exist, and all references to Species Group IV in the Election/Restriction Requirement are meant to be Species Group III. Applicants elect Species E (Species Group I), F (Species Group II), and L (Species Group III), with traverse, for at least the reasons stated herein.


The Patent Office has required the Applicants to elect a single species of each Species Group to which the claims will be restricted if no generic claim is finally held to be allowable. Applicants believe that the following claims appear to form a group commensurate with the elected species for search and examination purposes only: 1, 17, 23, 24, 30-32, 42-45, 48, 64-

106, and 139. Claims other than those listed here may also be relevant to the elected species in certain cases.

The Patent Office has also indicated that the Applicants' response to the Election/Restriction Requirement of March 3, 2004 was incomplete. Applicants disagree, and note that, in the March 3, 2004 Election/Restriction Requirement, as discussed above, the Patent Office required the Applicants to elect only a *single* species. In response, Applicants had elected Species L. Thus, Applicants believe that the response filed September 3, 2004 was fully responsive, and Applicants therefore believe that the present Election/Restriction Requirement dated October 6, 2004 should be treated as a new Election/Restriction Requirement. As such, it is respectfully requested that the Patent Office confirm that Applicants' Response filed September 3, 2004 defines a timely-filed Response, and was not non-responsive, which would have suggested a Patent Office acknowledgement of a *Bona Fide* attempt to respond, re-starting a Response period, which was not observed in the October 6, 2004 action.

Respectfully submitted,

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